

## REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 11, and 16 have been amended. No claims have been canceled or added. Claims 25-27 were previously cancelled. Therefore, claims 1-24 are presented for examination

### 35 U.S.C. §103(a) Rejection

Claims 1-6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. (U.S. Pub. No. 2002/0026332) in view of Intel Internet Authentication Services, Privacy and Security for Health Care Transactions Over the Internet, copyright© 2000, Intel Corporation (“Intel”), and further in view of Schoenberg (U.S. Patent 6,463,417). Applicant submits that the present claims are patentable over Snowden in view of Intel and Schoenberg.

As an initial matter, Applicant disagrees with the Examiner’s characterization of the claims and the cited references. For example, Applicant disagrees with the Examiner that the limitation of “immediately determining, by the access server, if a corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information” of claim 1 is partially disclosed in Intel and is partially made obvious by Schoenberg. Applicant maintains the remarks submitted in response to previous office actions.

Snowden discloses a secure repository for personal medical records of individuals and families. These electronic records, owned and controlled by the individual, may then be made accessible in selected parts over secured lines to appropriate care providers, insurers,

and suppliers. The individual can direct that his or her entire file be transmitted to a doctor or to a hospital emergency room through the use of a coded card or then can direct that their medical information can only be supplied in anonymous, summary form along with data of other insured users to employers/health plan sponsors. (Abstract.)

Intel describes Internet Authentication Services (IAS) that offer a managed solution that reduces risk, complexity, and cost, while ensuring state-of-the-art security for online transactions. By taking advantage of IAS, health care service providers may confirm the identities of online visitors to the service provider's web site before granting access to private information. The health care service providers do not have to deploy or maintain complex computing systems for online authentication, as the critical systems reside at a remote location where performance, reliability, and security are maintained. (pg. 2, cols. 1 & 2)

Schoenberg discloses a system and method for distributing medical information for an individual over a communications network. The method includes the steps of generating a plurality of security access codes, generating a plurality of hierarchical categories, ranging from a low security category to a high security category, categorizing the individual's medical information into privacy levels ranging from a least private level to a most private level, inputting the individual's categorized medical information into the plurality of hierarchical categories, the least private level being input into the low level security category and the most private level being input into the high security category and assigning, to each of the categories, one or more of the access security codes, such that the medical information in each category will be released only if the assigned access security codes are received. (Abstract)

Claim 1, in pertinent part, recites:

A method of controlling transfer of health information along a network pathway, the method comprising:

receiving, by an access server on the network pathway, a request for the health information from across an internal network, the request being generated from a portable healthcare device on the network pathway;

immediately determining, by the access server, if a corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information; and

if the corresponding consent is stored, permitting, by the access server, the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network.

(emphasis added)

Applicant submits that Snowden does not disclose or suggest immediately determining, by the access server, if a corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information. Applicant submits that Schoenberg neither teaches or reasonably suggests nor makes obvious the cited feature of claim 1. Applicant further submits that Intel does not disclose or suggest the cited feature of claim 1.

Snowden, Intel, and Schoenberg neither individually nor when combined in any combination teach or reasonably suggest immediately determining, by the access server, if a corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information as recited by claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Independent claim 11 also recites, in part, a search engine to determine if a corresponding consent is stored in the database for the requested health information and, if the corresponding consent exists, whether it satisfies requirements for release of the health information, wherein the consent is for the user to access the health information and the consent is provided by an owner of the health information. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 11 and its dependent claims.

Claims 16-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Killcommons et al. (U.S. Patent No. 6,424,996), and further in view of Schoenberg.. Applicant submits that the present claims are patentable over Snowden and Intel in view of Killcommons and Schoenberg. Applicant submits that the present claims are patentable over Snowden and Intel in view of Killcommons and Schoenberg.

Killcommons discloses a medical information transfer server. The server is adapted to store multimedia medical data and includes a data interface for acquiring the medical data; a storage unit coupled to the data interface and configured to receive and store the medical data; and a user interface for viewing the medical data. (col. 3, ll. 58-64.)

Claim 16, as amended, recites:

A computer accessible medium having stored therein a plurality of sequences of executable instructions, which, when executed by a processor, cause the system to:

process a request for the health information received from across an internal network, the request being generated from a portable healthcare device on the internal network;

immediately determine, by an access server on the internal network, if an corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information; and

if the corresponding consent is stored, permit the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network.  
(emphasis added)

As discussed above, Snowden and Intel in view of Schoenberg does not disclose or suggest immediately determine, by an access server on the internal network, if an corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information, as recited by claim 16. Applicant further submits that Killcommons does not disclose or suggest such a feature. The Final Office Action acknowledges this when stating “Killcommons fails to disclose...immediately determine, by an access server on in internal network, if an corresponding consent is stored.” (Final Office Action at pg. 14, point 20(b)). Therefore, Killcommons does not disclose or suggest the cited feature of claim 16.

As neither Snowden, Intel, Schoenberg, or Killcommons individually disclose or suggest immediately determine, by an access server on the internal network, if an corresponding consent is stored, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information, any combination of Snowden, Intel, Schoenberg, and Killcommons also does not disclose or suggest such a feature. Therefore, claim 16, as well as its dependent claims, is patentable over Snowden and Intel in view of Killcommons and Schoenberg.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of the Background of the Invention, and further in view of Schoenberg. Applicant submits that the present claims are patentable over Snowden and Intel in view of the Background of the Invention and Schoenberg. Claim 7 depends from independent claim 1 and necessarily includes its limitations. As discussed above, claim 1 is patentable over Snowden and Intel in view of Schoenberg. The Background of the Invention does not remedy the defects of Snowden, Intel, and Schoenberg in light of claim 1. Therefore, claim 7 is patentable over Snowden and Intel in view of the Background of the Invention and Schoenberg.

Claims 9, 10, 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Wong et al. (U.S. Patent 6,260,021), and further in view of Schoenberg. Applicant submits that the present claims are patentable over Snowden and Intel in view of Wong and Schoenberg. Claims 9, 10, 14, and 15 variously depend from independent claims 1 and 11, and necessarily include their limitations. As discussed above, claims 1 and 11 are patentable over Snowden and Intel in view of Schoenberg. Wong does not remedy the defects of Snowden, Intel, and Schoenberg in light of claims 1 and 11. Therefore, claims 9, 10, 14, and 15 are patentable over Snowden and Intel in view of Wong and Schoenberg.

Claims 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Killcommons et al., and further in view of Wong et al., and further in view of Schoenberg. Applicant submits that the present

claims are patentable over Snowden and Intel in view of Killcommons, Wong, and Schoenberg. Claims 23 and 24 depend from independent claim 16 and necessarily include its limitations. As discussed above, claim 16 is patentable over Snowden and Intel in view of Killcommons and Schoenberg. Wong does not remedy the defects of Snowden and Intel in view of Killcommons and Schoenberg in light of claim 16. Therefore, claims 23 and 24 are patentable over Snowden and Intel in view of Killcommons, Wong, and Schoenberg.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Aslam A. Jaffery  
Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980